

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04033

1 WHEREAS, Sterling Hills LLC has submitted an application designated as
2 Special Permit No. 04033 for authority to develop Sterling Hills Community Unit Plan for
3 119 dwelling units with requested waivers to the Land Subdivision Ordinance, Zoning
4 Code, and City of Lincoln Design Standards to waive the preliminary plat process, to
5 allow sanitary sewer to flow opposite street grades, to allow lots to exceed the
6 maximum lot width to depth ratio, to allow lot lines not at right angles to the street, to
7 adjust the front, side and rear yard setbacks, to waive the minimum lot area, to reduce
8 roadway width from 27' to 23', and to allow sidewalks behind the homes as opposed to
9 along the street, on property generally located northwest of South 37th Street and
10 Yankee Hill Road, and legally described to wit:

11 Outlot E, Pine Lake Heights South 7th Addition, Lancaster
12 County, Nebraska;

13 WHEREAS, the Planning Commission has recommended conditional
14 approval of the community unit plan and has further recommended approval of the
15 requested waivers to the Land Subdivision Ordinance, Zoning Code, and Design
16 Standards except for the waiver to allow sidewalks behind the homes as opposed to
17 along the street; and

18 WHEREAS, the real property adjacent to the area included within the site
19 plan for this community unit plan will not be adversely affected; and

1 WHEREAS, said site plan together with the terms and conditions
2 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
3 Municipal Code to promote the public health, safety, and general welfare.

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
5 Lincoln, Nebraska:

6 That the application of Sterling Hills LLC, hereinafter referred to as
7 "Permittee", to develop Sterling Hills Community Unit Plan on the property legally
8 described above, be and the same is hereby granted under the provisions of Section
9 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
10 construction and operation of said community unit plan be in strict compliance with said
11 application, the site plan, and the following additional express terms, conditions, and
12 requirements:

13 1. This permit approves 119 dwelling units and the following waivers to the
14 Land Subdivision Ordinance, Zoning Code and Design Standards:

- 15 a. The requirement of § 3.5 of the Sanitary Sewer Design Standards
16 is waived to allow sewer to flow opposite street grades.
- 17 b. The requirement of Lincoln Municipal Code § 26.23.140(e) that a
18 lot shall have a maximum 3 to 1 lot depth to width ratio is waived
19 as more narrow lots are needed to accommodate the townhouse
20 structures and the slope across the site.
- 21 c. The requirement of Lincoln Municipal Code § 26.23.240(c) that
22 side lot lines be at right angles to the street is waived to
23 accommodate non-radial lot lines designed for townhouse
24 structures.
- 25 d. The required front, side and rear yard setbacks are waived to
26 allow 0' front and rear yard setbacks on individual lots within the
27 development and 0' side yard setback for common walls, a 20'
28 perimeter setback along Grainger Parkway and South 37th Street
29 and a 25' setback along Yankee Hill Road.

- e. The requirement of Lincoln Municipal Code § 27.17.080(a) which requires a minimum lot area of 2500 sq. ft. is waived in order to allow lots of approximately 2000 sq. ft. in size.
- f. The requirement of § 3.5 of the Private Roadway Design Standards is waived to allow private roadway widths to be reduced from 27' to 23'.
- g. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for all subdivisions is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. This waiver is further subject to the requirement that if any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

2. Final plats will be approved by the Planning Director after:

- a. The Subdivider has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - i. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - ii. To complete the private improvements shown on the community unit plan.
 - iii. To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and

1 continuous association of property owners who would be
2 responsible for said permanent and continuous
3 maintenance. The subdivider shall not be relieved of such
4 maintenance obligation until the document or documents
5 creating said property owners association have been
6 reviewed and approved by the City Attorney and filed of
7 record with the Register of Deeds.

8 iv. To continuously and regularly maintain the street trees
9 along the private roadways and the landscape screen.

10 v. To submit to the lot buyers and home builders a copy of
11 the soil analysis.

12 vi. To pay all improvement costs.

13 vii. To comply with the provisions of the Land Preparation and
14 Grading requirements of the Land Subdivision Ordinance.

15 viii. To properly and continuously maintain and supervise the
16 private facilities which have common use or benefit, and to
17 recognize that there may be additional maintenance issues
18 or costs associated with providing for the proper
19 functioning of storm water detention/retention facilities as
20 they were designed and constructed within the
21 development, and that these are the responsibility of the
22 land owner.

23 3. Before receiving building permits:

24 a. The Permittee must submit a revised and reproducible final
25 plan including six copies.

26 b. The construction plans must conform to the approved plans.

27 c. Final plats within the area of this Community Unit Plan must
28 be approved by the Planning Director.

29 4. Before occupying the dwelling units all development and
30 construction must be completed in conformance with the approved plans.

31 5. All privately-owned improvements must be permanently maintained
32 by the owner or an appropriately established homeowners association approved by the
33 City Attorney.

1 6. The site plan approved by this permit shall be the basis for all
2 interpretations of setbacks, yards, locations of buildings, location of parking and
3 circulation elements, and similar matters.

4 7. The terms, conditions, and requirements of this resolution shall be
5 binding and obligatory upon the Permittee, its successors, and assigns. The building
6 official shall report violations to the City Council which may revoke the special permit or
7 take such other action as may be necessary to gain compliance.

8 8. The Permittee shall sign and return the City's letter of acceptance
9 to the City Clerk within 30 days following approval of the special permit, provided,
10 however, said 30-day period may be extended up to six months by administrative
11 amendment. The City Clerk shall file a copy of the resolution approving the special
12 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
13 paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor